

REMARKS

Comments of the applicant below are preceded by related comments of the examiner in small bold type.

3. Claims 1, 2, 5-14, 16, 17, 19, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al. (U.S. Patent 6,262,980) in view of Schmutz et al. (US 5,864,760).

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Leung fails to specifically disclose temporarily reducing transmission power on a forward link in the second sector, the reducing of the transmission power being dynamically determined based on a determination of a current state of transmissions to one or more users in the second sector, each of the one or more users in the second sector being in communication with the communication system only via the second sector. However, in an analogous art, Schmutz teaches a sectorized cell in which transmission power is temporarily reduced on a forward link in a sector, the reducing of the transmission power being dynamically determined based on a determination of a current state of transmissions to one or more users in the sector, each of the one or more users in the second sector being in communication with the communication system only via the sector. See FIG. 1, paragraph 12, lines 1-3, paragraph 14, lines 1-10, paragraph 23, lines 1-18 and paragraph 37, lines 1-11. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Leung by incorporating the features taught by Schmutz for the purpose of avoiding having to reduce transmit power of all sectors of the cell and thereby conserving system resources.

The applicant disagrees. The examiner cites various portions of Schmutz as allegedly disclosing "temporarily reducing transmission power on a forward link in the second sector, the reducing of the transmission power being dynamically determined based on a determination of a current state of transmissions to one or more users in the second sector, each of the one or more users in the second sector being in communication with the communication system only via the second sector." However, the applicant has found no support in Schmutz for the examiner's position.

Schmutz discloses a technique for converting a non-sectorized cell to a sectorized cell having multiple sectors utilizing a single broadband processing unit. (Abstract). Referring to FIGS. 2A and 5 and the corresponding text at paragraphs [0025], [0035], [0036], and [0037], Schmutz discloses deploying a transmitter apparatus that includes an antenna device to sectorize a cell into sectors. A power amplifier of the transmitter apparatus is included in each sector of the cell to amplify analog signals for emission within the respective sector.

Although the power amplifiers of the transmitter apparatus deployed in the sectorized cell of FIG. 5 operate at lower power levels than the single high power amplifier of the transmitter apparatus deployed in the non-sectorized cell of FIG. 2B, no portion of Schmutz (cited by the examiner or otherwise) discloses or would have made obvious “temporarily reducing transmission power on a forward link in the second sector, the *reducing of the transmission power being dynamically determined based on a determination of a current state of transmissions to one or more users in the second sector*, each of the one or more users in the second sector being in communication with the communication system only via the second sector” as recited in claim 1.

Claims 16 and 19 include similar features and are patentable for at least the same reasons.

The dependent claims are patentable for at least the same reasons given with respect to the independent claims from which they depend.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 12144-009001.

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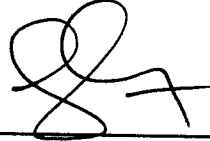
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Respectfully submitted,



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